IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 8519 of 2007(L)

OA.214/2004 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONERS:

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1. **DR.M.ASAN KOYA, PROPRIETOR,**
   M/S.KOYA'S HOSPITAL, CHERUVANNUR FEROKE,
   KERALA-673 631.

2. **MRS.M.MARIAM, W/O.M.ASSANKOYA,**
   SHELTER, CHERUVANNUR FEROKE, KERALA.

BY ADV. SRI.ABRAHAM JOHN

RESPONDENTS:

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1. **PUNJAB NATIONAL BANK,**
   KALLAI ROAD, KOZHIKODE.

2. **THE RECEIVING OFFICER,**
   DRC 192/PNE, OFFICE OF RECOVERY OFFICER,
   DEBT RECOVERY TRIBUNAL, PANAMPILLY NAGAR,
   COCHIN-16.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 8519 OF 2007-L

JUDGMENT

The petitioners challenge the sale notifications Exts.P4 and P5 published by the 2nd respondent recovery officer, proposing to sell their properties, to recover the amount due to the 1st respondent Bank. The sale is posted to tomorrow. On the eve of the sale, the petitioners have filed this Writ Petition, pointing out various irregularities in those notifications. But against the sale, the petitioners have remedies under the provisions of the statute. Section 30 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 provides an appeal to the DRT against any order of the recovery officer. Further, the petitioners have a right to represent before the recovery officer under Rule 60 of the second schedule to the Income Tax Act. In view of the remedies available to the petitioners, it is unnecessary for this Court to entertain this Writ Petition. Further, interference with the sale scheduled to be held tomorrow will cause serious

prejudice to the other side also. Therefore, the Writ Petition is dismissed without prejudice to the contentions of the petitioners.

14th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/